

Finding Your Way

Guides for Fathers in Child Protection Cases

Guide 3 Your Role in Court

About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

- Guide 1: Your rights and responsibilities
- Guide 2: How to work with your lawyer
- Guide 3: Your role in court**
 - 3.1: The court process
 - 3.2: Who will be in court
 - 3.3: Common court terms
- Guide 4: Your role outside court
- Guide 5: When you owe child support
- Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.



Learn what happened early on in the case if you get involved late.

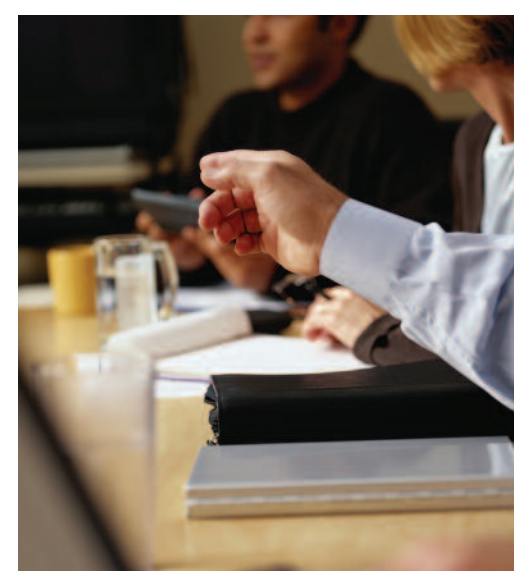
You may not learn about your child’s case until several months after it began (or even longer). If that happens, find out what decisions have already been made and how they affect your relationship with your child. Your lawyer can help you find out what happened before. If you don’t have a lawyer, ask the caseworker where you can review and make copies of the court’s file so you can get up to speed. If you disagree with decisions that were made, talk to your lawyer or caseworker about challenging those decisions.

Get ready for trial.

If your next hearing is a trial where the parties can call witnesses and submit documents, take these steps:

PREPARING FOR TRIAL

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| <ul style="list-style-type: none">• Find out the type of trial. | <ul style="list-style-type: none">• Adjudication—determines whether your child was abused or neglected.• Issue-specific trial—decides an issue in your case, such as a service someone says you need, or your right to visitation.• Termination of parental rights—determines whether you should keep your parental rights to your child. |
| <ul style="list-style-type: none">• If you don’t have a lawyer, ask for one (even if you have asked before). | <ul style="list-style-type: none">• If you face losing your rights as a parent, most courts will give you a lawyer for free if you can’t afford one.• If it is a trial where you don’t have a right to a lawyer, ask if the court has a program that helps people prepare for hearings and trials when they don’t have a lawyer. |
| <ul style="list-style-type: none">• Identify and dispute claims. | <ul style="list-style-type: none">• Find out what (if any) claims are being made against you.• Dispute claims by submitting documents to the court or bringing witnesses to testify for you (e.g., if the issue is whether you can visit your child, bring witnesses who have observed you with your child and can describe positive interactions). |



Know when you can appeal the court’s decision.

If the court makes a decision you do not agree with, you may be able to ask a higher court to review the decision. Discuss this option with your lawyer. If you don’t have a lawyer, see if you can get one for free or at a low cost to help with the appeal. If you can’t, ask if the court has a program that can help individuals without lawyers prepare appeals.

Prepare your arguments.

Once you know the focus of the court hearing, gather any paperwork or documents that support what you are saying or requesting in court. Stay organized by keeping all of your documents in a file, arranged by date. For example:

If...	Then you should...
the caseworker asked you to complete a class or training and you recently finished it.	➤ bring your certificate of completion or other paperwork to prove you completed the task.
you have had several good visits with your child.	➤ be prepared to share these positive experiences in court.
you met with someone to discuss job opportunities, housing, or other services that would help you maintain or strengthen your relationship with your child.	➤ share this and provide paperwork where possible.
you have concerns about your child’s health, safety, school, living situation, etc.	➤ be prepared to discuss these concerns.
you are not permitted to see your child or are not getting help to maintain a relationship or obtain custody.	➤ talk to your lawyer and caseworker about your concerns. If they are not resolved, be prepared to raise these issues in court.

Share where you want your child to live.

If you...	Then you should...
want custody of your child.	➤ discuss this with your lawyer early. ➤ ask what steps you must take to achieve this goal. ➤ share your progress with the judge at every court hearing.
don’t want custody, but have relatives who may be able to care for your child.	➤ tell your lawyer and caseworker immediately. ➤ ask your lawyer to tell the judge this in court. ➤ if possible, ask those relatives to attend court hearings.

If you hit roadblocks, ask the judge to help you.

The judge may be able to help overcome barriers. For example, if you can’t move forward because you haven’t heard from the caseworker or can’t get into a program, the judge may be able to help.

Leave the hearing knowing what decisions were made.

Before each hearing ends, make sure you understand what decisions have been made, what is expected of you, and the timeline for doing things. If you agree to be responsible for certain parts of the plan, you must follow through. It is better to talk about what may be hard up front with the judge than to say yes and disappoint your child or anger the caseworker or judge by not following through.

Your Role in Court

You're a dad who does not live with your child. You learn your child is involved in a court case because of suspected abuse or neglect.

Even if you weren't your child's caretaker, or don't see your child often, there are many things you and your relatives can do in court to help keep your child safe and ensure he or she is reunited with family quickly.

You have an important role to play in the court process. By coming to court and participating in the hearings, you can help your child and protect your rights.

When you will need this guide

- ✓ Use it to **remind you of your role in court and how to advocate for (stand up for) yourself.**
- ✓ Review it before court hearings.

How to Act in Court

The courtroom is formal. When coming before the judge, you must be respectful by acting and dressing a certain way. If you don't, the judge and others may take you less seriously, which may affect your rights and relationship to your child. Follow these tips on how to behave in court. They will help you achieve your goals. If you bring family or friends to court, they should follow these tips also:*

- **Focus on your child.** Remember, this is about the health and safety of *your* child. Help the caseworker and court find ways to make sure your child gets the best care and assistance.
- **Be on time or early for court hearings.** The courtroom may change at the last minute.
- **Attend all court hearings.**
- **Dress well.** Wear neat, clean clothes. Dress for success: wear a suit and tie if you have them.
- **Don't eat or drink.**
- **Turn off electronic devices**—your cell phone, pager, or videogames.
- **Don't speak when someone else is speaking.**
- **Show respect.** Address the judge, attorneys, and other people in the courtroom respectfully. Refer to the judge as “Your Honor,” “Sir,” or “Ma’am.”
- **Control your emotions.** Being in court and hearing things about you can make you angry, particularly if something is untrue. If you disagree with something, say so, but do not raise your voice or yell. Doing so will make you look bad in front of the judge and caseworker who may then think you can't control your anger or emotions.
- **Bring all documents and information** that your attorney has asked you to bring. If you don't have a lawyer, bring all information you need to advocate for yourself and prove your points.
- **Pay attention in court** and let the judge and lawyers know if you don't understand something or need something repeated.
- **Set a positive example.** If your children are in court, keep them in mind.

* Adapted from *Bringing Back the Dads: A Model Program Curriculum for Non-Resident Father Engagement: Dads as Part of the Juvenile Court Process: Legal Advocacy and Court Etiquette*. “Tips for Dad in Court—The Basics.” April 2008.

What to Do Before, During, and After Court

Ask for a lawyer.

It is **always** in your best interest to have a lawyer. If you **don't** have a lawyer, ask to have one appointed at the earliest possible court date. If your request is declined, ask the judge where you can find a lawyer. If you have little money, ask where you can find a low-cost or free attorney. You may be able to find one at your local legal aid program, through a local law school clinic program, or through the local or state bar association.

Meet with your lawyer.

If you do have a lawyer, meet with him or her a week or so before your court hearing. If you can't meet in person, try to speak by phone. Ask your lawyer what will happen at the court hearing. Share your opinion about where your child should live, visitation, and services.

Know when and where the next court date will be.

Confirm the date, time, and location of your next court hearing.

- **For the first court hearing**, you should be notified by the agency or court about when and where the hearing will be and its purpose. If you were not notified, you may be able to request another hearing or challenge any decisions the court made about you.
- **For later hearings**, you will often find out when the next court date is at the end of each court hearing. Take a calendar or something to write on so you can jot it down.

If you are unsure when a court hearing will be, ask your lawyer or the caseworker. If you can't reach them, call the judge's office and ask the judge's assistant.

If you cannot attend a hearing in person, talk to your lawyer or caseworker, or call the judge's offices to ask to participate by phone or postpone the hearing.

Get copies of reports.

Make sure you receive copies of reports or motions that will be discussed at the court hearing. Getting copies a few days before the hearing gives you time to review them.

Often the child welfare agency will write a **progress report** informing the judge how things are going in your child's case. You have a right to a copy of this report and to review it before the court hearing begins. Ask your lawyer or the caseworker for a copy if you haven't seen one a few days before the hearing.

If you are repeatedly not getting copies of reports before hearings, tell the judge.

